

November 14, 2002

OXFORD NETWORKS AND REVOLUTION
NETWORKS,
Request for Waiver of Chapters 291
And 292

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

On November 1, 2002, Oxford County Telephone and Telegraph Company¹ (Oxford) filed a request for a waiver from the requirements of Chapters 291 and 292 of the Commission's rules until January 23, 2003. The basis for the waiver request is to allow Oxford to implement operational changes required by Chapters 290, 291 and 292 simultaneously on January 23, 2003. This Order grants Oxford's waiver request.

II. STANDARDS FOR GRANTING AN EXEMPTION UNDER CHAPTERS 291 AND 292

Upon the request of any person subject to this rule or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of the Consumer Assistance Division, or the Hearing Examiner assigned to a proceeding related to this Chapter, may grant the waiver.

III. OXFORD'S REQUEST

On June 19, 2002, the Commission adopted new consumer protection rules – Chapters 290, 291, and 292. Chapter 290 applies to all ETCs in Maine, currently the incumbent local exchange carriers for Maine. As a general matter, the Commission allowed carriers until November 1, 2002, to transition their operations into compliance with the new rules. On July 26, 2002, the Telephone Association of Maine (TAM) filed a Request for Waiver, which sought a 6-month waiver from all of the requirements of Chapter 290. On August 12, 2002, the Commission granted TAM's request; thus, ETCs were given until January 23, 2003 to fully comply with Chapter 290. Non-ETCs and Interexchange

¹ Oxford County Telephone and Telegraph Company is a parent company with four subsidiaries: Oxford Telephone Company (ETC); Oxford West (ETC); Oxford Networks (Non-ETC and IXC); and Revolution Networks (Non-ETC and IXC).

carriers (IXCs), however, were required to comply with Chapters 291 and 292 respectively by November 1, 2002.

In its waiver request, Oxford stated that granting the waiver will help eliminate confusion and administrative burdens by allowing its customer service representatives to respond to all customers of their ILEC, CLEC, and IXC companies under the same overall set of guidelines and rules until January 23, 2003. It therefore seeks a waiver from the requirements of Chapters 291 and 292 until January 23, 2003, to implement all three rules simultaneously. Oxford also stated that if the waiver is granted, it would continue to comply with the requirements of Chapter 810 and that customers would not be harmed by the granting of the waiver request because the requirements of Chapter 810 are generally more restrictive than the requirements of Chapters 291 and 292.

IV. DECISION

I find that there is good cause to grant Oxford's waiver request. Chapters 81 and 86 are generally more protective of customers than Chapters 291 and 292 and are consistent with the intent of Chapters 291 and 292. In addition, where the Oxford companies provide services that fall within the jurisdiction of Chapter 290, 291 and 292, it makes sense from an administrative stand point to transition all three companies to the new rules at the same time.

Accordingly, it is

ORDERED

- 1) That Oxford's request for a waiver from the requirements of Chapters 291 and 292 is granted;
- 2) That this waiver will end on January 23, 2003, and
- 3) That Oxford continue to comply with Chapters 81 and 86 until the expiration of this waiver on January 23, 2003.

Dated at Augusta, Maine, this 14th day of November, 2002.

BY ORDER OF THE DIRECTOR
OF THE CONSUMER ASSISTANCE DIVISION

Derek D. Davidson